

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**OGALLALA COMMUNITY HOSPITAL
AND HEALTH FOUNDATION, INC.,**

Plaintiff,

vs.

**VITZTUM COMMERCIAL FLOORING,
INC., et al.,**

Defendants,

**VITZTUM COMMERCIAL FLOORING,
INC., and
AMCO INSURANCE COMPANY,**

Third Party Plaintiffs,

vs.

**DEPENDABLE CHEMICAL CO., INC. and
MANKINI VINYL INSTALLATION,**

Third Party Defendants.

7:04CV5012

ORDER

This matter is before the Court *sua sponte*. Although it appears on the face of the record that the Third Party Defendant Mankini Vinyl Installation has failed to timely answer or otherwise respond to the Third Party Plaintiffs' complaint, the Third Party Plaintiffs have not applied for entry of default by the Court pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a). Accordingly, the Court orders the Third Party Plaintiffs to make application for default or to show good cause, by affidavit filed with the Clerk of the Court, why this action should not be dismissed against Mankini Vinyl Installation, such application or showing of good cause to be filed on or before **May 27, 2005**. In the event the Third Party Plaintiffs fail to timely make such application or showing, it shall be recommended that this action against Mankini Vinyl Installation be dismissed for lack of prosecution.

DATED this 12th day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge